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## INFORMATION PAPER

MCJA-OSC  
5 March 2014

SUBJECT: Behavioral Health Conditions

1. Purpose: To provide information for Soldiers going through the Integrated Disability Evaluation System (IDES) process concerning behavioral health conditions. You should consult with a Soldiers' Counsel regarding the specifics of your case at your local Office of Soldiers' Counsel.

2. Facts:

a. The Physical Evaluation Board (PEB) is responsible for determining whether physical or behavioral health (BH) conditions prevent Soldiers from performing their military occupational specialties (MOS). If the PEB determines that a Soldier cannot perform military duties because of a medical condition then the PEB will generally find that condition unfitting for continued military service.

b. The PEB reviews all relevant information when determining if a BH condition is unfitting. Examples of evidence the PEB will consider include: 1) statements from Commanders; 2) medical evaluations; 3) physical profiles; 4) medication profiles; 5) letters from military and civilian supervisors; 6) recent NCOERs and/or OERs; and 7) letters from family members. The PEB will review objective evidence whether or not a BH condition prevents a Soldier from performing their military duties. Although, a Soldier may have a high VA disability rating, it does not necessarily mean that the Soldier is incapable from performing their assigned duties or that the PEB must find the BH condition unfitting. A Commander's statement that a Soldier has missed work, or is unable to complete assignments because of their BH condition is objective evidence that the Soldier's BH condition is most likely unfitting. The Soldier should gather as much objective evidence as possible if the Soldier is requesting to be found unfit due to a BH condition.

c. If a Soldier is found unfit for a behavioral health condition, the PEB will then generally apply a disability rating supplied by the Department of Veterans Affairs (VA) based upon the severity of the BH condition. The Soldiers' rating is based, in large part, on their VA mental health disability examination. The VA takes into account many factors in determining the appropriate rating, but the overall rating is based upon the social and occupational impact caused by the BH condition. For example, if the BH condition is severe, causing the Soldier to be frequently hospitalized and placed on dangerous or powerful medication, the rating will be generally higher than a Soldier who has not required hospitalization or high-dose medication. If an unfitting BH condition is unstable or developed as a result of a highly stressful event, then the Soldier may be placed on the temporary disability retirement list (TDRL) to be re-evaluation after a

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certain amount of time. For any information regarding TDRL, including periodic re-examinations, please consult with a Soldiers' Counsel.

d. If a Soldier does not agree with the disability percentage provided by the VA for an unfitting condition, a Soldier may submit a request for a VA Rating Reconsideration (VARR). When assigning or reviewing disability percentages, the VA primarily relies upon VA disability examinations. However the VA will also review any evidence that was not part of or generated by their VA disability examinations. For example, letters from psychiatrists, psychologists, social workers, and/or supervisors that can provide objective evidence of social and occupational impairment are vital, especially if they are not already included in a Soldier's IDES file. If appropriate, Soldiers' Counsel will prepare a VARR and submit it through the PEB to the VA within 10 days of the informal PEB decision or a formal PEB hearing. The VA must review the VARR memo and may increase, maintain, or in rare cases lower their original disability rating. After taking action on the VARR, the VA will send the results of the VARR back to the Soldier through the PEB. If the VA changes a rating as a result of a VARR, then the PEB must also change the disability rating assigned for that condition.

3. This Information Paper is provided as a service to Soldiers in the IDES or MEB/PEB process and intended as general information only. A Soldiers' Counsel is available to provide specific legal advice to Soldiers involved in the IDES process. Contact your local Office of Soldiers' Counsel for more information. If you do not know how to reach your local Office of Soldiers' Counsel please contact your PEBLO or visit our website for contact information at <https://www.jagcnet.army.mil/otjagosc>.

Approved by: Ms. Joyce A. Hamel

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